

Mayor Mary Cooper called the meeting to order at 7:00 p.m. Also present were Councilmembers Bill Raley, Robert Jurca, Guy Pfalzgraff, and Ed Sisson, along with City Manager Joe Kerby and City Attorney Mike Schottelkotte. A meeting notice was posted in the south window at City Hall at least twenty-four hours prior to the meeting.

Pledge of Allegiance

The Mayor led everyone present in the Pledge of Allegiance.

Changes to the Agenda

City Manager Kerby stated that Agenda Item G, a public hearing for the Knights of Columbus special events permit applications, has been withdrawn.

Minutes

It was moved by Councilmember Jurca and seconded by Councilmember Sisson to approve the minutes of May 17, 2011 as submitted by the Clerk. All in favor, motion carried.

Citizen Comments

Linda Sanchez, representing the Delta Area Chamber of Commerce, explained that Deltarado Days is being brought into the City's main corridor this year in an effort to involve the merchants more in the celebration. One of the downtown venues was to be the Wells Fargo Bank parking lot at 501 Main Street. The parking lot was to be the site of the Friday and Saturday night street dances, the stage, the Key Club barbeque, and other activities.

Ms. Sanchez went on to explain that at a meeting on Friday, June 3, a decision was made to request closure of West 5th Street between Main and Palmer. The street would be used as the venue for those activities in lieu of the bank parking lot. Ms. Sanchez stated that since the request was not submitted in time to be placed on the Agenda for tonight's meeting, she wanted to give Council a "heads up" on the request.

The City Manager stated that he will be meeting with Police Chief Robert Thomas and Public Works Director Jim Hatheway to identify any problems which might be associated with closing the street. The street closure permit application will be placed on the Agenda for the June 20th Council Meeting.

Public Hearing: Delta County Memorial Hospital Foundation Special Event Permit Application

Mayor Cooper recessed the Regular Meeting and opened a public hearing on the Delta County Memorial Hospital Foundation's application for a special event liquor permit.

The Clerk reported that the Foundation has applied for a special events permit for a fund raising event at the Garden Center at 1970 South Main Street. The applicants plan to sell liquor from 10:00 am until 9:00 pm on August 20, 2011. The state and local fees have been paid, and a sign notifying the public of this hearing was posted at the site as required by law. No comments either for or against the approval of the application were received.

The Mayor asked for public comment. When there was none, she closed the public hearing and reconvened the Regular Meeting.

It was moved by Councilmember Sisson and seconded by Councilmember Raley to approve the Delta County Memorial Hospital Foundation's application for a special events liquor permit for August 20, 2011. All in favor, motion carried.

Public Hearing: Hospice & Palliative Care of Western Colorado Special Event Permit Application

Mayor Cooper recessed the Regular Meeting and opened a public hearing on Hospice & Palliative Care's application for a special event liquor permit.

The Clerk reported that Hospice has applied for a special events permit for a fund raising event at Heddles Recreation Center on September 10, 2011. The applicants plan to sell liquor from

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Public Hearing: Hospice Special Event Permit Application (Cont.)

4:00 pm until midnight that evening. The state and local fees have been paid, and a sign notifying the public of this hearing was posted at the site as required by law. No comments either for or against the approval of the application were received.

The Mayor asked for public comment. When there was none, she closed the public hearing and reconvened the Regular Meeting.

It was moved by Councilmember Raley and seconded by Councilmember Jurca to approve Hospice & Palliative Care's application for a special events liquor permit for September 10, 2011. All in favor, motion carried.

Beer & Wine License Renewal Application: House of Chin

The Clerk reported that House of Chin has submitted a renewal application for their Beer & Wine License. The application is complete and the State and local fees have been paid. The Police Department reported no liquor violations during the past twelve months and recommended approval of the renewal application.

It was moved by Councilmember Pfalzgraff and seconded by Councilmember Sisson to approve the Beer & Wine License renewal application for House of Chin. All in favor, motion carried.

Natural Green Solutions Request

City Attorney Schottelkotte explained that if Ordinance #1, 2011 is upheld at the July 12, 2011 election, the practical effect would be to make the Natural Green Solutions medical marijuana dispensary an illegal operation. The City Attorney went on to explain that he had received a letter from the attorney representing Natural Green Solutions requesting City Council to consider giving the dispensary until September 30 to close their operation, should the voters sustain the ordinance banning such dispensaries within the City of Delta.

After briefly discussing the matter with Natural Green Solutions owner John Thomas agreed to allow the dispensary to remain in business until September 1, 2011, if Ordinance #1, 2011 is approved by the voters at the July 12th election.

Off Leash Dog Park

Parks Director Paul Suppes briefly reviewed the proposal for an off-leash dog park which he had presented to Council at a work session earlier in the evening. He explained that the Parks Department proposes to build a fenced area at Confluence Park where dog owners could legally allow their pets to run free. He has been working with a community group which has offered to donate materials and labor, and to be involved in developing rules and activities for such a facility.

It was moved by Councilmember Pfalzgraff and seconded by Councilmember Sisson to proceed with building an off-leash dog park in Confluence Park. All in favor, motion carried.

Council Bill #2, 2011; First Reading; Purchased Power Contract

Utilities Director Steve Glammeyer presented Council Bill #2, 2011, which would authorize the City to enter into a long-term purchased power agreement with Municipal Energy Agency of Nebraska (MEAN). Mr. Glammeyer explained that Council had directed staff to solicit bids for this service, and that two bids were received – one from MEAN and one from Tri-State Generation and Transmission. The bids were reviewed at a Council work session on May 17, and staff was directed to bring back an ordinance authorizing execution of a long-term contract with MEAN.

Council Bill #2, 2011

AN ORDINANCE OF THE CITY OF DELTA, COLORADO AUTHORIZING AND DIRECTING PARTICIPATION BY THE CITY IN AN ELECTRICAL RESOURCES POOLING AGREEMENT WITH THE MUNICIPAL ENERGY AGENCY OF NEBRASKA; CHANGING THE CITY'S PAST STATUS IN THE POOLING AGREEMENT TO A BULK POWER PARTICIPANT; AUTHORIZING AND DIRECTING EXECUTION BY THE CITY OF THE TOTAL POWER

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Council Bill #2, 2011 (Cont.)

REQUIREMENTS POWER PURCHASE AGREEMENT THE MUNICIPAL ENERGY AGENCY OF NEBRASKA; ACKNOWLEDGING AND PROVIDING FOR LIMITATIONS ON USE OF THE ELECTRICITY; AND PRESCRIBING THE TIME WHEN THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT

was read by the Clerk.

It was moved by Councilmember Sisson and seconded by Councilmember Jurca to adopt Council Bill #2, 2011 on first reading. Roll call vote: Councilmembers Pfalzgraff, aye; Sisson, aye; Raley, aye; Jurca, aye; and Cooper, aye. Motion carried.

Truck Route Construction Contract

Public Works Director Jim Hatheway reported that three bids for construction of the Confluence Drive Project were accepted on March 17, 2011. The engineer's estimate for the four-lane project was \$22,003,109.70. The bids received were as follows:

SEMA Construction	\$19,861,017.80
Kraemer Construction	\$21,595,903.71
Lawrence Construction	\$23,088,380.24

The Public Works Department recommends awarding the contract to SEMA Construction, the lowest qualified bidder. Mr. Hatheway explained that SEMA worked on the Riverside Parkway Project in Grand Junction and is very interested in working with the City of Delta on the Confluence Drive Project.

The Public Works Director went on to explain that the construction contract with SEMA will allow the Design Team and SEMA to work on the value engineering portion of the project. Construction funds will not be obligated until the Notice to Proceed is issued to SEMA. The Notice to Proceed will not be issued until the majority of the right-of-way acquisition issues have been resolved, including the railroad property exchange. The contract allows SEMA to bill the City for costs incurred during the value engineering process. Should right-of-way acquisition not be completed prior to February 1, 2012, the contract could be terminated and the City would not be obligated for more than the costs incurred to that point through the value engineering process.

It was moved by Councilmember Pfalzgraff and seconded by Councilmember Sisson to award the construction contract for the Confluence Drive Project to SEMA Construction. The Mayor requested a roll call vote: Councilmembers Pfalzgraff, aye; Sisson, aye; Raley, aye; Jurca, aye; and Cooper, aye. Motion carried.

City Attorney Comments

City Attorney Schottelkotte commented on the construction contract just approved. He explained that the clause in the contract which allows termination of the contract in the event the acquisition of the necessary right-of-way is not completed provides a "safety valve" for the City.

City Manager Comments

The City Manager reported on the following:

- Mail ballot will be mailed June 20 for the July 12th election concerning the medical marijuana dispensaries. Votes will be counted on July 12, so all ballots must be returned to the County Clerk's office by 7:00 p.m. that day.
- The next Golf Course Advisory meeting is June 15 at 6:00 p.m. A Volunteer Work Day will be held at the golf course on June 18 beginning at 5:30 p.m.
- "Delta County Kids Count" – a public forum concerning what the County and municipalities are doing to provide services for victims of child sexual assault, abuse and neglect will be held June 8 at 7:00 p.m. at the Delta United Methodist Church. The Delta PD is one of the sponsors of this event.
- Seven police officer candidates will be interviewed on June 8.
- A request for qualifications from parties interested in assuming operation of the City animal shelter is out. Responses are due by June 20.
- City staff is monitoring the river closely. Available information indicates that the water should peak on Wednesday morning, June 8.

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City Manager Comments (Cont.)

- A work session will be scheduled to discuss the possible need for electric rate increases due to the signing of the new MEAN contract.
- The Utilities Department is in the process of putting out a request for proposals for the digester.
- The next Downtown Assessment meeting is scheduled for June 30 at 5:30 at the recreation center.
- Outdoor Heritage Days will be held at the recreation Center on June 11 from 9:00 a.m. to 3:00 p.m.
- The next regular Council meeting has been rescheduled to Monday, June 20, due to the annual CML conference, which begins on Tuesday, June 21. There will be a work session scheduled prior to the meeting. Manager Kerby and Community Development Director Glen Black, along with Mayor Cooper and Councilmembers Pfalzgraff and Sisson, will be attending the conference.
- Mr. Kerby mentioned a list of names of potential members of the Citizen Task Force.
- The loader which was purchased to replace the one destroyed by fire has arrived.
- Staff is moving forward with the due diligence on the open space acquisition recently approved by Council. Closing on the property should take place August 7th or 8th.
- Manager Kerby reported that he will be a member of the Board of Directors of the Colorado Canyons Association. He will need to attend a monthly meeting lasting about an hour and a half.

The City Manager asked if Council is interested in soliciting names from the public for the Citizen Task Force. He explained that only two of the names on the list had contacted him to volunteer to serve. The rest were suggested by Council, staff and others.

Council agreed to advertise for two weeks and then review the list of suggested and volunteer names.

Councilmember Comments

Councilmember Pfalzgraff and Sisson commended staff and everyone else who worked on the two historic contracts – the MEAN purchased power contract and the Confluence Drive construction contract.

Mayor Cooper reported on Project 7's retirement party for Dick Margetts.

Executive Session

It was moved by Councilmember Sisson and seconded by Councilmember Pfalzgraff to convene an Executive Session to discuss the purchase, acquisition, lease, transfer, or sale of real, personal, or other property interest under CRS Section 24-6-402(4)(a), or more specifically, to discuss the purchase of right-of-way for the truck bypass (Confluence Drive) project and for discussion of a personnel matter under CRS Section 24-6-402(4)(f) and not involving any specific employees who have requested discussion of the matter in open session; any member of this body or any elected official; the appointment of any person to fill an office of this body or of an elected official; or personnel policies that do not require the discussion of matters personal to particular employees. All in favor, motion carried.

At 7:45 p.m., Mayor Cooper recessed the Regular Meeting and convened the Executive Session.

At 9:50 p.m., the Mayor reconvened the Regular Meeting and announced that the Executive Session had been concluded. She stated that in addition to herself, the participants in the Executive Session were Councilmembers Guy Pfalzgraff, Ed Sisson, Bill Raley, and Robert Jurca; City Manager Joe Kerby; City Attorney Mike Schottelkotte; Human Resources Director Jeri Karsten for the personnel matter; and Public Works Director Jim Hatheway, Brad Rodenberg and Rob Pratt for the right-of-way acquisition discussion.

For the record, the Mayor asked any person participating in the Executive Session who believed that any substantial discussion of any matters not included in the motion to go into Executive Session occurred during the Executive Session in violation of the Open Meetings Law, to state his or her concerns for the record. No concerns were stated.

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Executive Session (Cont.)

The meeting was immediately adjourned.

Mary Lynn Williams, Acting City Clerk